

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
Chicago Grade Landfill
SWIS No. 40-AA-0008
December 14, 2016

Background Information, Analysis, and Findings:

This report was developed in response to the operator's request for the California Department of Resources Recycling and Recovery (Department) to issue a revised Solid Waste Facilities Permit (SWFP) for the Chicago Grade Landfill, Solid Waste Information System (SWIS) No. 40-AA-0008, located in an unincorporated area of San Luis Obispo County, and owned by Chicago Grade Landfill & Recycling, LLC and operated by Chicago Grade Landfill, Inc. The Department currently serves as the Enforcement Agency (EA) for San Luis Obispo County. A copy of the proposed SWFP is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The application for a revised SWFP was received on October 14, 2016. Staff completed a review of the permit application package and found the application package to be complete and correct on November 10, 2016. Action must be taken on this permit no later than March 10, 2017. If no action is taken by March 10, 2017, the Department will be deemed to have issued the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2007)	Proposed Permit
Permitted Area - Disposal	76.4 acres	77.07 acres
Design Capacity	8,900,000 cubic yards*	10,548,980 cubic yards
Maximum Elevation	1,360 (Mod 1-4), 1,303 (Mod 6-7) feet above Mean Sea Level (MSL)	1,386 (Mod 1-4), 1303 (Mod 6-7) feet above MSL
Estimated Closure Year	2042	2039

*The Design Capacity for the 2007 SWFP reflected the Remaining Capacity not the total Design Capacity.

Other Changes include:

1. The submittal of a revised Joint Technical Document (JTD), dated July 2016.
2. Updates to the following sections for the SWFP: "Findings," "Documents," "Self-Monitoring," and "Enforcement Agency Conditions" including the rewording, additions and/or deletions for the purpose of updating and/or clarifying to reflect the proposed changes.

Key Issues

The proposed permit will allow for the following:

- Increase the disposal footprint from 76.4 acres to 77.07 acres.
- Correct the Design Capacity on the first page of the SWFP to reflect the Design Capacity rather than the Remaining Capacity, including the additional 166,000 cubic yards of capacity with the expansion.
- Increase the maximum elevation of Modules 1-4 from 1,360 MSL to 1,386 MSL.
- Update the estimated closure date from 2042 to 2039.

Background

Chicago Grade Landfill has been operating as a Class III landfill near the City of Templeton, in San Luis Obispo County since 1970. The Chicago Grade Landfill is a Class III municipal solid waste landfill, which accepts only non-hazardous solid waste, in accordance with Title 27, California Code of Regulations (27 CCR).

Findings:

Staff recommends concurrence and issuance of the proposed revised SWFP. All of the required submittals and findings required by 27 CCR, Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence and issuance. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The Department is the EA for this facility. Permitting and Assistance Branch (PAB) staff accepted the application package as complete and correct on November 10, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the EA on December 14, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	PAB staff prepared a proposed Solid Waste Facilities Permit on December 2, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(4)(A) Consistency with Public Resources Code 50001	Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in their memorandum dated December 9, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(5) Preliminary or Final Closure / Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Technical Support Section have found the Preliminary Closure and Postclosure Maintenance Plans consistent with State Minimum Standards as described in their memorandum dated November 17, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Engineering Support Branch staff in the Closure and Technical Support Section have found the written estimate to cover the cost of known or reasonable foreseeable corrective action is technically adequate as described in their memorandum dated July 30, 2012. An updated non-water release corrective action cost estimate was submitted on December 3, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation for closure, postclosure maintenance, and corrective action in compliance as described in their memorandum dated November 18, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Insurance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated November 18, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on November 8, 2016. See Compliance History section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	The Department utilized the County of San Luis Obispo Planning Commission Hearing as a substitute meeting to fulfill the requirement of 27 CCR 21660.4. The Planning Commission Hearing was held on November 10, 2016 at 1055 Monterey Street, in San Luis Obispo. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Unit conducted a pre-permit inspection on November 8, 2016, and found the facility to be in compliance with applicable state minimum standards. Below are the details of the facility's compliance history based on the EA's monthly inspection reports during the last five years:

- January 2011 – November 2016 – No violations were noted.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the County of San Luis Obispo, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

- Increase the disposal footprint from 76.4 acres to 77.07 acres.
- Correct the Design Capacity on the first page of the SWFP to reflect the Design Capacity rather than the Remaining Capacity, including the additional 166,000 cubic yards of disposal capacity with the expansion.
- Increase the maximum elevation of Modules 1-4 from 1,360 MSL to 1,386 MSL.
- Update estimated closure date from 2042 to 2039.

A draft Environmental Impact Report (EIR), State Clearinghouse No. 2004071092, dated July 2005, was circulated for a 45-day comment period from August 5, 2005 to September 19, 2005. The Final EIR, dated August 2006, was certified by the San Luis Obispo County Board of Supervisors on February 27, 2007.

Under CEQA Guidelines Section 15162, when an EIR has been certified or a negative declaration (ND) adopted for a project, no subsequent environmental document shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project, which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND

due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or ND;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

PRC Section 21068 defines “Significant effect on the environment” as a substantial, or potentially substantial, adverse change in the environment. CEQA Guidelines Section 15382 further defines, a “Significant effect on the environment” as meaning a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A lead or responsible agency may prepare an addendum to a previously adopted EIR if some changes or additions are necessary or none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR have occurred, pursuant to Section 15164(a) of the CEQA Guidelines.

Thus, Section 15164(a) of the CEQA Guidelines provides that an addendum to an EIR is the appropriate documentation when the lead agency has determined that none of the conditions described in CEQA Guidelines Section 15162 exist – specifically there are no new significant environmental effects as a result of the changed project.

An Addendum to the 2006 Final EIR, State Clearinghouse No. 2004071092, was circulated for a 14-day comment period from September 16, 2016 to September 30, 2016. CalRecycle staff submitted comments in a letter dated September 28, 2016. CalRecycle staff’s comments were addressed by the Lead Agency.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final EIR and Addendum as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the

proposed revised SWFP. Department staff has reviewed and considered the CEQA record and recommends the Final EIR and Addendum are adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the EA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Final EIR adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. As the EA, Department staff utilized the County of San Luis Obispo Planning Commission Hearing on November 10, 2016, to adopt the Addendum for the Chicago Grade Landfill as a substitute public meeting in accordance with 27 CCR 21660.4. One member of the public had a question regarding traffic from the Santa Maria Transfer Station. The operator answered that the impacts associated with traffic from the Santa Maria Transfer Station to Chicago Grade Landfill had been evaluated for and analyzed by CEQA.

This item will be presented at the Department's Monthly Public Meeting on December 20, 2016.